



Rep. Elizabeth Hernandez

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09800HB1192ham001

LRB098 03003 OMW 42121 a

1 AMENDMENT TO HOUSE BILL 1192

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1192 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Section 11-20-16 as follows:

6 (65 ILCS 5/11-20-16)

7 Sec. 11-20-16. Retail food establishments.

8 (a) A municipality in a county having a population of  
9 2,000,000 or more inhabitants must regulate and inspect retail  
10 food establishments in the municipality. A municipality must  
11 regulate and inspect retail food establishments in accordance  
12 with applicable federal and State laws pertaining to the  
13 operation of retail food establishments including but not  
14 limited to the Illinois Food Handling Regulation Enforcement  
15 Act, the Illinois Food, Drug and Cosmetic Act, the Sanitary  
16 Food Preparation Act, the regulations of the Illinois

1 Department of Public Health, and local ordinances and  
2 regulations. This subsection shall not apply to a municipality  
3 that is served by a certified local health department other  
4 than a county certified local health department.

5 A home rule unit may not regulate retail food  
6 establishments in a less restrictive manner than as provided in  
7 this Section. This Section is a limitation of home rule powers  
8 under subsection (i) of Section 6 of Article VII of the  
9 Illinois Constitution on the concurrent exercise by home rule  
10 units of the powers and functions exercised by the State.

11 (b) A municipality may enter into an intergovernmental  
12 agreement with a county that provides for the county's  
13 certified local health department to perform any or all  
14 inspection functions for the municipality. The municipality  
15 must pay the county's reasonable costs. A municipality may  
16 enter into an intergovernmental agreement with a local health  
17 district, as defined in Section 11 of the Public Health  
18 District Act and that serves the entire municipality, to  
19 regulate and inspect retail food establishments for the  
20 municipality. An intergovernmental agreement shall not  
21 preclude a municipality or local health district from  
22 continuing to license retail food establishments within its  
23 jurisdiction.

24 (c) For the purpose of this Section, "retail food  
25 establishment" includes a food service establishment, a  
26 temporary food service establishment, and a retail food store

1 as defined in the Food Service Sanitation Code, 77 Ill. Adm.  
2 Code Part 750, and the Retail Food Store Sanitation Code, 77  
3 Ill. Adm. Code Part 760.  
4 (Source: P.A. 96-749, eff. 1-1-10; 96-1000, eff. 7-2-10.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.".